

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WELCH ALLYN, INC.,

Plaintiff,

-vs-

**OBP CORPORATION and OBP MEDICAL
INC.,**

Defendants.

Civil Action No.
5:14-cv-01122-TJM-DEP

DECLARATION OF TRACY L. BENNETT

Tracy L. Bennett hereby declares as follows:

1. I work at the plaintiff, Welch Allyn, Inc. ("Welch Allyn") as the Manager of Women's Health.
2. I make this Declaration based upon my personal knowledge and my review of records and information currently available. If called to testify in this action, the following would constitute a portion of my direct testimony.
3. I graduated from the State University of New York at Oswego in 1992 with a Bachelor of Science in Marketing and I graduated from the Saba University School of Medicine in 2000 with a Doctor of Medicine.
4. In 2001, I joined Welch Allyn, where I have been involved in Connected Devices, Medical Exam Lighting and Physical Assessment and Laryngoscopes. Most recently, as Manager of Women's Health, I run the Women's Health and the Medical Exam Lighting Strategic Business

Units, which are responsible for both upstream product development and downstream marketing for both businesses, including the Kleenspec® disposable vaginal speculum.

5. Based in Skaneateles Falls, New York, Welch Allyn is a family-owned business that has been designing and manufacturing medical diagnostic equipment and patient monitoring systems in upstate New York since 1915. Employing nearly 2,600 people worldwide, including almost 1,000 people at its Skaneateles Falls facility, Welch Allyn is on the cutting edge of helping healthcare providers overcome complex challenges to providing services by engineering effective products that are elegantly designed. Welch Allyn's innovations help doctors, nurses, and other healthcare providers (and ultimately patients) by making products and solutions that help healthcare providers focus on seeing more patients, performing more procedures, and providing better on-site care. In fact, ever since 1915 when Welch Allyn sold the world's first hand-held, direct-illuminating ophthalmoscope that was developed by Dr. Francis Welch and William Noah Allyn, innovation has been at the very core of Welch Allyn's business.

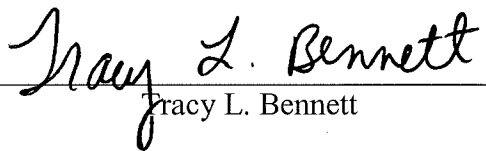
6. Upon information and belief, OBP Corporation/OBP Medical, Inc. (collectively, "OBP") is a small medical products company based in Lawrence, Massachusetts. Upon further information and belief, OBP was founded in 2006 and has just a handful of employees. Upon further information and belief, OBP outsources the manufacturing of its products to Asia. Among those products are vaginal specula sold by OBP under the trade names ER-SPEC and OfficeSPEC.

7. Upon information and belief, both the ER-SPEC and OfficeSPEC products infringe certain of the claims in the '175 Patent, and in fact, the products are such well-executed knock-offs of Welch Allyn's proprietary designs, that for some of its products OBP has even copied the same trade dress that Welch Allyn uses in its commercial products. Welch Allyn believes that this was done intentionally by OBP to confuse customers and other end-users into thinking that the products are high-quality Welch Allyn products. Indeed, Welch Allyn has received technical support calls

from multiple customers who thought they were using a Welch Allyn speculum, only to discover on the call that they were using an OBP speculum. Similarly, Welch Allyn employees have had a number of customers approach them at recent trade shows to discuss Welch Allyn's specula, only to learn during the course of the conversations that the customers were actually talking about OBP's specula.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 28, 2015



Tracy L. Bennett